IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

W.P.No.1313 of 2001

Between:
B.Ratnakumari

..Petitioner

and

1. Govt. of A.P. rep. by its M.R.O., Marredpalli Mandal, Secunderabad and another.

..Respondents

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.1313 of 2001

Oral Order:

Petitioner claims that her father purchased plot Nos.66 and 67 from his brother—K.Sri Rama Murthy to an extent of 266.66 square yards and constructed residential complex by obtaining permission from the Municipal Corporation of Hyderabad. The construction was made over an extent of 158.66 square yards leaving vacant land admeasuring 108 square yards. Alleging that her father gifted vacant land of 108 square yards in her favour, the petitioner made an application dated 14-02-2000 to the Municipal Corporation of Hyderabad for sanction of building permission followed by another application dated 09-03-2000, and the 1st respondent by Memo No.C 1753/2000 dated 10-03-2000 stated that the property is Government land and basing on the same the 2nd respondent—Corporation issued proceedings No.499/MCH/TPS/SD/2000/445 dated 02-0-9-2000 stating that the permission is refused for want of sub-division approval and town survey land records from the M.R.O. Questioning the same the present writ petition is filed. He also stated that Government filed an application before the Land Grabbing Court with regard to very same survey number and withdrawn the same. Therefore, Municipal Corporation refusing to grant permission on the ground of sub-division approval and town survey land records by the impugned memo is not at all warranted and invoked the jurisdiction of this Court to quash the proceedings.

The 1st respondent filed a counter stating that petitioner made an application requesting the M.R.O. to issue T.S.L.R. The 1st respondent after verifying the revenue records through Memo No.C/753/2000 dated 10-03-2000 stated that the land in question is a 'G' Sarkari. The land in Sy.No.844/13 is a Government land, and the land grabbing cases filed against the encroachers were withdrawn, as the cases are not properly filed with adequate evidence. After withdrawing, fresh cases were filed against the encroachers of land in Sy.No.844/13 of Malakajgiri village. In order to protect the valuable Government land, the Government has issued orders in Memo No.20548/M1/97-2 M.A dated 27-09-1997 directing the 2nd respondent for production of No Objection Certificate/T.S.L.R. from the concerned Mandal Revenue Officer before issuing sanction of building permission.

The 2nd respondent filed a counter stating that the Corporation has refused to grant permission for want of sub-division of the property as required under the Layout Rules, 1965. On such refusal the petitioner changed the proposed construction and shown it as addition to the premises. Even according to the petitioner, the property stands in the name of her father. Unless and until the piece of open land is sub-divided from the original premises bearing No.10-03-777, permission cannot be granted. Therefore, called upon the petitioner not to proceed with the construction.

Learned counsel for the petitioner, now, submits that the petitioner will make an application for sub-division of the open land and later seeks permission for construction of the house and the 2nd

respondent—Corporation may be directed to grant permission without insisting TSLR as held by this Court in ***HYDERABAD POTTERIES PVT. LTD. VS. COLLECTOR, HYDERABAD DIST.***[1].

In view of the same, liberty is granted to the petitioner to make an application to the Municipal Corporation for sub-division of the land, which was gifted in her favour, after sub-division is undertaken by the Corporation, it is open for the petitioner to apply for sanction of the building permission, on petitioner applying for building permission the respondent—Corporation shall consider the same and grant permission in accordance with law without insisting TSLR.

The writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY, J.

01-08-2007

Murthy

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[1] 2001 (3) ALT 200